

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	NO. A 18 CR 390(1) RP
	§	
JASON HERNANDEZ	§	

**MOTION TO WITHDRAW AS COUNSEL
AND FOR APPOINTMENT OF NEW COUNSEL**

TO THE HONORABLE ROBERT PITMAN, UNITED STATES DISTRICT JUDGE
FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION:

NOW COMES Horatio R. Aldredge, Supervisory Assistant Federal Public Defender and attorney for defendant Jason Hernandez requesting permission to withdraw as counsel for the defendant and for the appointment of new counsel, showing the Court as follows:

1. The Federal Public Defender was appointed to represent Hernandez on November 27, 2018, by United States Magistrate Judge Andrew W. Austin.
2. Counsel just became aware that an actual conflict exists between Hernandez and another client of the Federal Public Defender's Office. Given counsel's continuing duty of loyalty to clients, a conflict exists with counsel's duty of loyalty to Hernandez.

DEFENDANT REQUESTS that the Court enter an order permitting counsel to withdraw and for appointment of new counsel in this matter.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ HORATIO R. ALDREDGE
Assistant Federal Public Defender
Western District of Texas
504 Lavaca Street, Ste. 960
Austin, Texas 78701
(512) 916-5025
(512) 916-5035 (FAX)
Bar Number: Texas 00795216

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of December, 2018, I electronically filed the foregoing Motion to Withdraw as Counsel and for Appointment of New Counsel with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Gabriel Cohen
Assistant U.S. Attorney
816 Congress Ave., Ste. 1000
Austin, TX 78701

/s/ HORATIO R. ALDREDGE

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ORDER

On this date came on to be considered Counsel's Motion to Withdraw and for Appointment of New Counsel and the Court is of the opinion that the motion should be GRANTED. Accordingly, it is

ORDERED that the Federal Public Defender is permitted to withdraw as counsel of record in the above-captioned cause, and further that _____ is appointed to represent the defendant in this cause.

SIGNED this _____ day of _____, 2018.

JUDGE PRESIDING